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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 SHAVONDA HAWKINS, on behalf of
12 herself and all others similarly situated
13 Plaintiff,
14 v.
15 THE KROGER COMPANY,
16 Defendant.

Case No.: 15cv2320 JM(AHG)

ORDER ON MOTION TO SEAL

17 On May 25, 2020, Plaintiff moved to file an unredacted version of the Declaration
18 of Gregory S. Weston in support of Plaintiff's Response to Joint Objections to Magistrate
19 Sanctions Order under Seal. (Doc. No. 199.) In the Ninth Circuit, there is a strong
20 presumption in favor of access to court records and a party must show compelling reasons
21 to file under seal as part of a non-discovery motion, even if they were produced subject to
22 a discovery protective order. *See Foltz v. State Farm Mt. Auto. Ins. Co.*, 331 F.3d 1122,
23 1134 (9th Cir. 2003). Once the protected discovery documents are part of a dispositive or
24 non-discovery motion, "they lose their status of being raw fruits of discovery" and without
25 some overriding interests in favor of keeping the material confidential, no longer enjoy
26 protected status. *See id.*, at 1136.

27 Here the court does not find the majority of documents attached to the Declaration
28 compel sealing. Exhibits 4, 5, and 6 are label mock-ups, Exhibit 7 is organizational charts,

1 Exhibits 8 and 9 are internal emails regarding Kroger products which contain partially
2 hydrogenated trans fat; Exhibits 10 and 11 are excerpts of a 30(b)(6) depositions; and
3 Exhibit 12 appears to be customer complaints. Accordingly, the motion to file the
4 unredacted version of the Declaration of Gregory S. Weston in Support of Plaintiff's
5 Response to Objections to Magistrate Sanctions Order under seal is **DENIED**, with two
6 exceptions. Exhibit 3, which contains confidential sales data and Exhibit 13 which are
7 instructions provided to vendors regarding ingredients are worthy of sealing and may be
8 filed under seal.

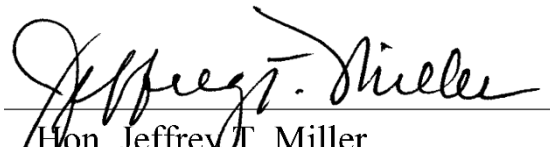
9 Accordingly, the court orders as follows:

10 1. The motion to file unredacted versions of Exhibits 3 and 13 under seal is
11 **GRANTED** (Doc. No. 200 at pages 12-22, 97-101); and

12 2. The motion to file unredacted versions of Exhibit 4-12 under seal is **DENIED**.
13 Having found no reason exists to seal these documents, the Clerk of Court shall publicly
14 file the Exhibits lodged under seal at Docket Number 200 (pages 23-96).

15 IT IS SO ORDERED.

16 Dated: June 3, 2020

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18 Hon. Jeffrey T. Miller
19 United States District Judge
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